

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

BUGGZ IRONMAN-WHITECOW
aka KIM A. NORQUAY, JR.,

Plaintiff,

vs.

WARDEN LEROY KIRKEGARD;
MONTANA TWELFTH JUDICIAL
DISTRICT COURT, HILL COUNTY,
and the STATE OF MONTANA,

Defendants.

CV 14-37-H-DLC-JTJ

ORDER

FILED

FEB 09 2015

Clerk, U.S. District Court
District Of Montana
Missoula

United States Magistrate Judge R. Keith Strong entered Findings and Recommendations on December 30, 2014, recommending that Ironman-Whitecow's claims against the Montana Twelfth Judicial District Court, Hill County, and the State of Montana be dismissed. Plaintiff failed to timely object to the Findings and Recommendations, and so waived the right to *de novo* review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite

and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). There is no clear error in Judge Strong’s Findings and Recommendation and the Court adopts them in full. Because the parties are familiar with the facts of this case they will only be included here as necessary to explain the Court’s order.

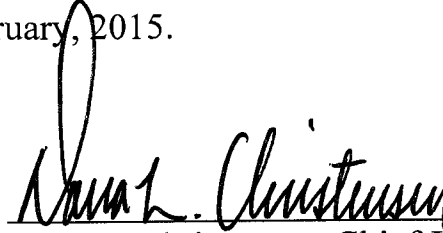
Judge Strong did not clearly err in finding that the State of Montana has immunity from suit in federal court under the Eleventh Amendment. The State of Montana is not a “person” subject to suit under section 1983. *Will v. Michigan Dept’ of State Police*, 491 U.S. 58, 65, 71 (1989). There is no clear error in Judge Strong’s finding that Ironman-Whitecow’s request for this Court to require the state district court to change his name on his prior criminal court documents is essentially an appeal of the state court’s judgment denying his name change request and is therefore barred by the *Rooker–Feldman* doctrine. Judge Strong did not clearly err in finding that all four factors of the *Rooker–Feldman* doctrine are met in this case. This Court does not have jurisdiction over these claims.

There being no clear error in Judge Strong’s Findings and Recommendation,

IT IS ORDERED that Judge Strong’s Findings and Recommendation (Doc. 7) are ADOPTED IN FULL. Plaintiff’s claims against the Montana Twelfth

Judicial District Court, Hill County, and the state of Montana are DISMISSED.

Dated this 9th day of February, 2015.

A handwritten signature in black ink, reading "Dana L. Christensen", written over a horizontal line.

Dana L. Christensen, Chief Judge
United States District Court